

September 22, 1999

Attention: Rick Breitenbach CALFED Bay-Delta Program 1416 Ninth Street, #1155 Sacramento, California 95814

SUBJECT: CALFED Bay-Delta Draft Programmatic EIS/EIR

Dear Mr. Breitenbach:

The Construction Materials Association of California (CMAC) has reviewed the objectives of the CALFED Ecosystem Program and its affect on our members' operations, and asks that these comments be included in the record.

Construction Materials Association of California

CMAC represents large and small aggregate, ready mix concrete, and asphalt operations in Northern and Central California, an area inclusive of the CalFed watershed. Our members provide the construction aggregates to build California's infrastructure of roads, buildings, bridges, and highways.

Introduction

Briefly, it is frequent for aggregate resources, and consequently aggregate extraction operations, to be located in or near streams. The joint Environmental Impact Statement and Environmental Impact Report (EIS/EIR) identifies these extraction activities as "stressors" to rivers and streams. However, this analysis overlooks the current regulatory scheme, reclamation requirements, and the many benefits provided by aggregate operations.

Current Regulatory Structure

Aggregate operations in California are governed by the state's Surface Mining and Reclamation Act (SMARA), which requires that all aggregate operations have approved mine reclamation plans prior to the beginning of extraction operations. SMARA contains strict reclamation performance requirements, including those for wildlife habitat, recontouring, revegetation, drainage, diversion structures, waterways, erosion control, agricultural land, stream protection, and topsoil salvage. And, each operation must post financial assurance to assure that reclamation will be completed.

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Accounting Office P.O. Box 276463 Sacramento, CA 95827-6463 (209) 223-0658 fax: (209) 223-5812 Aggregate operations are required to be permitted by local lead agencies, in conformance with local use permits and according to local mining ordinances. The local mining ordinances are approved by the State Mining & Geology Board. Annual inspections are conducted of aggregate operations and mine reclamation.

A prospective aggregate operation must also be reviewed and assessed under the California Environmental Quality Act (CEQA). This provides the opportunity for agencies, such as the Regional Air Quality Districts, Regional Water Quality Boards, Fish and Game Department, and the U.S. Army Corps of Engineers to determine potential impacts, and require permits, mitigation, and monitoring. The CEQA process includes review and assessment of a potential aggregate operation's individual and cumulative impacts to stream hydrology and geomorphology.

Key to the current regulatory structure is its recognition of site specific regulation. This is due to the state's geographic and hyrdologic diversity and the uniqueness of each aggregate operation. The Surface Mining and Reclamation Act recognizes this in Article 1, Section 2711(c):

"The Legislature further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly."

In sum, the EIS/EIR does not present a balanced perspective on the role of the current regulatory requirements and the extent to which they achieve CALFED'S objectives on an individual or cumulative basis. Also, CalFed's one-size-fits-all approach is not appropriate for California's diversity of geography, hydrology, and location of aggregate resources.

Aggregate Resources

Aggregate operations provide not only needed aggregate resources, but also benefits for flood and erosion control, and habitat restoration.

Aggregate resources are limited and must be harvested where nature deposited them. The material is a key ingredient in concrete and asphalt products. The cost of aggregate materials is extremely sensitive to transportation costs. For approximately every 25 additional miles aggregate is transported, the cost of aggregates double. This directly impacts the cost of public works projects, affordable housing, and construction costs. Thus, it is important to ensure a reliable supply of aggregates near urban areas.

In many areas of California, aggregates are in short supply. For example, in the Sacramento and Fresno markets, there is less than a five year supply of aggregates to meet demand, according to the California Division of Mines and Geology.

Virtually all aggregate sources identified by DMG are located near stream or in channel. The EIS/EIR should include an assessment of the importance of aggregate resources for economic development, and the impact of scarcities.

Flood Control

As sand and gravel accumulate, or agrade, in a riverbed, the river's capacity to hold flood volume decreases. As a result, river velocity increases, and bank erosion and flooding become more likely. The severe flood events experienced over the last several years are an example of the need to maintain a river channel's flood capacity and levys. Aggregate operations reduce flood dangers by skimming the agraded material from the stream bed. Benefits of aggregate operations to flood control and eco-systems should be included in the EIS/EIR.

Habitat Restoration

Aggregate operations provide one of the few opportunities to reclaim lands to their historic habitat values. Land clearing activities for agricultural purposes have impacted habitat values, a process that can be reversed through the reclamation of aggregate sites. Below are a few examples of habitat reclamation associated with aggregate sites:

- A joint project between aggregate operations and the Department of Fish and Game created Salmon spawning grounds on the Tuolumne River. Special gravels have been manufactured for salmon spawning and establishment of riparian habitat.
- Along the San Joaquin River, former aggregate operations have established Rank Island as a ecological preserve, where human access is limited.
- Mississippi Bar on the American River is now a wildlife conservation area and a state park. The area has been reclaimed with native vegetation, and incorporates ponds and lagoons and other natural features.
- Aggregate operations along Cache Creek in Yolo County are working with local government to create a nature preserve and Nature Center, where formerly there were aggregate operations. The EIS/EIR mistakenly refers to this as a responsible solution by local government, but four aggregate operations are contributing jointly with government on this project.

These beneficial examples of habitat restoration should be included in the EIS/EIR, in order to present a more balanced understanding of aggregate operations, and to understand whether current activities are consistent with the goals of CalFed.

Conclusion

Many issues are facing the CalFed program. Our thoughts above generally indicate our understanding that CalFed has inadequately researched historical and current operational requirements on aggregate operations. We believe a review by CalFed to more fully understand aggregate harvesting activities, in-stream and near-stream mining reclamation requirements, use permit conditions and local jurisdictional ordinances, the Surface Mining and Reclamation Act, and the California Environmental Quality Act process is required before simplistic solutions are offered as a cure-all to complex and comprehensive environmental agreements between industry and local governments.

Sincerely,

Linda A. Falasco

Executive Director

Enclosures:

Surface Mining & Reclamation Act

Regulatory requirements for aggregate operations

"Reclamation for Habitat"

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"Wetlands Reclamation in California's Central Valley"

"Reclaiming Mining Sites for Agricultural Land Use"